

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION

CLERK'S OFFICE U.S. DIST. COURT
AT CHARLOTTESVILLE, VA
FILED

MAY 21 2008

JOHN F. CORCORAN, CLERK
BY:

DEPUTY CLERK

TAMMIE R. TRAIL,

Plaintiff,

v.

MICHAEL J. ASTRUE, COMMISSIONER OF
SOCIAL SECURITY,

Defendant.

CIVIL No. 3:07cv00038

ORDER

JUDGE NORMAN K. MOON

On August 1, 2007, I referred this case to the Honorable B. Waugh Crigler, United States Magistrate Judge, for proposed findings of fact and a recommended disposition. The parties subsequently filed cross motions for summary judgment (docket nos. 11 and 14) and on April 24, 2007, the Magistrate Judge filed a Report and Recommendation ("Report") (docket no. 17). In the Report, Judge Crigler recommended that I grant Plaintiff's motion for summary judgment, deny the Commissioner's motion for summary judgment, and remand the case to the Commissioner for further proceedings. After a review of the record in this case, and no objection having been filed to the Report within ten days of its service upon the parties, I adopt the Report in its entirety.

Accordingly:

1. the April 24, 2007 Report is hereby ADOPTED in its entirety;
2. Plaintiff's motion for summary judgment is GRANTED;
3. Defendant's motions for summary judgment is DENIED;
4. the case is REMANDED to the Commissioner for further proceedings consist

with the Magistrate Judge's Report and this Order;

5. in the event the Commissioner is unable to determine plaintiff's disability on the basis of the current record, he is DIRECTED to recommit the case for further evidentiary proceedings on the issue at which both sides may introduce additional evidence.

It is so ORDERED.

The Clerk of the Court is hereby directed to send a certified copy of this Order to all counsel of record.

ENTERED: This 21st day of May, 2008



NORMAN K. MOON
UNITED STATES DISTRICT JUDGE